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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,269	05/22/2000	Michael J. Cummings	A0000278-04-CWA	2684

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/576,269

**Applicant(s)**

CUMMINGS ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,25-29,32,36,42,45,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,25-29,32,36,42,45,47 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed on January 27, 2006 has been entered.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 25-28, 32 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Chander, pn 2,131,498.

Chandler discloses a shaving assembly with every structural limitation of the claimed invention including a plurality of openings (e.g., 21) that are adjacent and surround the razor cartridge receiving area as claimed. Further, Chandler discloses the upper end of the body having a face (e.g., the entire arcuate surface that extends from 22 to 22 in Figure 3, including the portion(s) that extends under component 24, and the portion(s) that supports the blade as shown in Figure 3).

#### ***Claim Rejections - 35 USC § 102/103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 45 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chandler, pn 2,131,498.

Chandler discloses a shaving assembly with every structural limitation of the claimed invention as described above.

In the alternative, if it is argued that Chandler does not disclose a plurality of side walls as set forth in claim 45, such a handle configuration, for example a square/rectangular configuration, is old and well known in the art and provides various known benefits relative to round handle configurations including allowing a user to “feel” the blade location without having to look at the shaver, e.g., by feeling the wider flat walls. Therefore, it would have been obvious to one having ordinary skill in the art to provide a plurality of side walls for the well known benefits including those described above.

It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to traverse the examiner’s assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

### ***Claim Rejections - 35 USC § 103***

6. Claims 4, 29, 36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler, pn 2,131,498.

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Chandler discloses a shaving assembly with almost every structural limitation of the claimed invention but lacks (a) openings/apertures within the razor cartridge receiving area (claims 4, 36, 47 and 48), and (b) lacks the razor cartridges permanently secured to the cap of the body (claim 29).

Regarding (a), it is old and well known in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including providing lubricant directly on the blade to further facilitate a smooth and effective shaving action. Pica, pn 2,037,588, Wolpert, pn 2,455,152 and Schauble, pn 4,809,432 are examples of razors with such an opening/aperture configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including those described above.

Regarding (b), it is old and well known in the art to provide such a razor configuration for various well known benefits including providing a cartridge configuration for improved safety in handling razors, e.g., during assembly thereof, while substantially eliminating the possibility of losing or misplacing the razor blade of the shaving assembly once assembled (i.e., to the cap). Therefore, it would have been obvious to one having ordinary skill in the art to provide one or more razor cartridges permanently secured to the cap for the well known benefits including those described above.

It is noted that the common knowledge or well-known in the art statements of the previous office action have been taken to be admitted prior art because applicant

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either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

### ***Response to Arguments***

7. Applicant's arguments filed January 27, 2006 have been fully considered but they are not persuasive.

In the second paragraph on page 7 of the amendment, applicant argues that Chandler "fails to disclose, teach, or suggest such a configuration as recited in claim 1." The Examiner respectfully disagrees. As described in further detail in the prior art rejection under 35 USC 102(b) above, Chandler fairly teaches that additional claimed structure. For example, while the openings in Chandler do extend laterally, they extend from the face of the body of Chandler's device, wherein the face has a razor cartridge receiving area, and wherein the openings clearly are adjacent to and at least partially surround the razor cartridge receiving area.

Regarding applicant's arguments on pages 7-8 directed to claim 32, the Examiner respectfully submits that the claimed invention is taught and/or suggested for at least the same reasons described above for claim 1.

Regarding applicant's arguments on pages 8-9 directed to claim 45, the Examiner respectfully submits that the claimed invention is taught and/or suggested for at least the same reasons described above for claim 1.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a long horizontal stroke extending to the right.

**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
May 15, 2006